

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

CLEANUP AND ABATEMENT ORDER NO. 98-105  
FOR  
RANCHO LA COSTA/ELFIN FOREST PARTNERSHIP  
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. Rancho La Costa/Elfin Forest Partnership owns property near Questhaven Road and Rancho Santa Fe Road in the SW ¼ Section 33, T12S, R3W San Bernardino Base and Meridian.
2. On September 9, 1998 and September 15, 1998, Regional Board staff inspected the Rancho La Costa/Elfin Forest Partnership property and noted that greenwaste material was located within and adjacent to Copper Creek. The greenwaste stockpiles did not have the runoff diversion and retention facilities specified by the Water Quality Control Plan for the San Diego Basin (9) for waiver of waste discharge requirements.
3. Improper operation and maintenance of the stockpiles caused spontaneous combustion in the greenwaste material. As a result of the subsequent firefighting activities, contaminated runoff was discharged to the dry Copper Creek streambed.
4. The greenwaste material stockpiled at, and runoff from the greenwaste material, if discharged to a flowing Copper Creek would cause pollution, contamination or nuisance conditions.
5. This Regional Board did not received a report of waste discharge for this greenwaste processing operation as required by California Water Code Section 13260.
6. This enforcement action is being taken for the protection of the environment and, as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

**IT IS HEREBY ORDERED** that, pursuant to Section 13304 of Division 7 of the California Water Code:

1. Rancho La Costa/Elfin Forest Partnership (hereinafter responsible parties) shall abate all effects to surface waters from discharges of greenwaste and runoff from greenwaste materials stockpiled on the San Marcos site by October 30, 1998.
2. The responsible parties shall remove all greenwaste materials from the site, including from the dry streambed of Copper Creek by October 1, 1998.

Cleanup and Abatement Order No. 98- 105

3. The responsible parties shall obtain all necessary approvals from California Department of Fish and Game and U.S. Army Corps of Engineers for any streambed cleanup work.
4. The responsible parties shall prevent the discharge of any wastewater into Copper Creek during cleanup operations.
5. By October 15, 1998 the responsible parties shall conduct a visual assessment of Copper Creek and downstream surface waters to determine the extent of surface flow from the site and a representative sample of the discharge shall be analyzed for nitrate, nitrite, ammonia and total kjeldahl nitrogen, total phosphate, orthophosphate, and total organic carbon.
6. By October 30, 1998, the responsible parties shall submit a technical report that:
  - a. Documents the effects of the discharges to surface waters have been abated, and
  - b. Documents that all greenwaste has been removed from the site, and
  - c. Documents that all necessary approvals for the cleanup project were obtained, and
  - d. Documents that no discharges to the creek occurred during cleanup operations, and
  - e. Documents the findings of the visual inspection and the results of the water quality analysis

*Pursuant to California Water Code Section 13350, any person who intentionally or negligently violates a cleanup and abatement order may be liable civil in an amount which shall not exceed five thousand dollars (\$5,000), but shall not be less than (\$500), for each day in which the cleanup and abatement order is violated.*

---

JOHN H. ROBERTUS  
Executive Officer

Date issued: September 17, 1998

RWM:rls